



**BENICIA CITY COUNCIL
CITY COUNCIL SPECIAL & REGULAR MEETING AGENDA**

**Benicia City Hall, 250 East L Street, Council Chamber
Benicia, CA 94510
August 16, 2022
6:00 PM**

Accessing The Meeting

How to Participate in the Meeting:

- 1) Attend in person at Council Chambers
- 2) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 3) Livestream online at www.ci.benicia.ca.us/agendas.
- 4) Zoom Meeting (link below)

The public may view and participate (via computer or phone) link:

<https://us02web.zoom.us/j/88508047557?pwd=cHRsZlBrYlphU3pkODcycytmcFR2UT09>

- If prompted for a password, enter 449303.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one.

1 669 900 9128
1 346 248 7799
1 253 215 8782
1 646 558 8656
1 301 715 8592
1 312 626 6799

- Enter the meeting ID number: 885 0804 7557 *please note this is an updated ID number*.

- Enter password: 449303
- When prompted for a Participant ID, press #.
- Press *9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

Any member of the public who needs accommodations should email City Clerk Lisa Wolfe at lwolfe@ci.benicia.ca.us, who will use her best efforts to provide as much accessibility as possible while also maintaining public safety.

1. Call Special Meeting To Order (5:00 P.M.)

2. Convene Open Session

3. Roll Call

4. Reference To The Fundamental Rights Of The Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City’s website and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia’s Open Government Ordinance.

5. Public Comment For Closed Session

Public comments on the closed session items must be made in person, they will not be accepted via Zoom.

6. Adjourn To Closed Session

6.A 5.B - CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: City Manager, Human Resources Manager

Employee Organization: Benicia Police Officers Association, Benicia Public Service Employees Association, Benicia Fire Fighters Association, Benicia Dispatchers Association, Benicia Supervisor and Professional Association, Middle Management Employees, Police Management Employees, Senior Management Employees, and Unrepresented Employees.

7. Reconvene Open Session

8. Announcement From Closed Session, If Any

9. Adjournment Of Special Meeting And Call Regular Meeting To Order (6:00 P.M.)

10. Roll Call

11. Pledge Of Allegiance

12. Reference To The Fundamental Rights Of The Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia's Open Government Ordinance.

13. Announcements

13.A - MAYOR'S OFFICE HOURS

Mayor Young is maintaining an open office on the first and third Mondays of the month (except holidays) in the Mayor's office of City Hall from 4:30 pm to 6:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

13.B - OPENINGS ON BOARDS AND COMMISSIONS

- Building Code Board of Appeals
1 Partial Term, Expiring July 31, 2025
- Open Government Commission
1 Partial Term, Expiring July 31, 2025
- Sky Valley Open Space Committee
1 Partial Term, Expiring January 31, 2023

14. Proclamations

14.A - PROCLAMATION - NATIONAL SUICIDE PREVENTION MONTH - SEPTEMBER 2022 (City Manager)

[Proclamation - National Suicide Prevention Month 2022](#)

15. Adoption Of The Agenda

16. Opportunity For Public Comments

How to Submit Public Comments for this City Council meeting:

Besides appearing in person and offering public comments, members of the public may provide public comment via Zoom, or to the City Clerk by email at lwolfe@ci.benicia.ca.us. Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.
- Comments received after 2:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council, but will not be posted on the City's website.

17. Written Comment

18. Public Comment

19. Consent Calendar

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, Staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

19.A - FY 2022/23 MID-CYCLE BUDGET AMENDMENTS (NON-GENERAL FUND) REPORT (Finance Director)

On June 21, 2022, Council approved the General Fund changes to the FY 2022/23 budget and provided the Finance Director delegated authority to make the necessary changes to the non-General Fund budgets. Staff is returning to the Council to report on the net result of the non-General Fund budget changes. The tables below outline the amendments completed.

Recommendation:

Staff is reporting out the delegated authority decisions related to Mid-Cycle FY 2022/23 amendments for non-General Fund budgets.

[Staff Report - Mid-Cycle Amendments FY 2022-23 Non-General Fund](#)

19.B - CONSIDERATION TO ADOPT A RESOLUTION EXPANDING TELECONFERENCE MEETING OPTIONS DURING PROCLAIMED STATE OF EMERGENCIES (City Attorney)

The State recently enacted Assembly Bill 361 (AB 361), amending the Brown Act. AB 361 allows the City to continue with virtual meetings, as long as certain findings are made that in-person meetings would present an imminent risk to the health and safety of attendees. The resolution before Council would allow the Council and Planning Commission members to participate remotely.

Recommendation:

Move to adopt a resolution (Attachment 1) to implement and utilize teleconference accessibility to conduct public meetings, pursuant to Assembly Bill 361.

[Staff Report - Authorizing Teleconference Meetings to Continue](#)

[1. Resolution - Authorizing Teleconference Meetings to Continue](#)

19.C - APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA (City Attorney)

20. Business Items

20.A - APPROVAL OF A SPECIAL RATE ADJUSTMENT WITH REPUBLIC SERVICES FOR SOLID WASTE AND RECYCLING SERVICES REQUIRED BY SENATE BILL 1383 (Public Works Director)

Republic Services has requested a special rate adjustment for solid waste and recycling services in accordance with Section 4.04 of the Collection Services Agreement. The proposed rate adjustment will address the State mandated requirements of Senate Bill (SB) 1383.

The City of Benicia and Republic Services have reached a tentative agreement to amend their franchise agreement to expand the solid waste and recycling services provided to customers. Republic Services has requested an adjustment of 14.3 percent for residential customers and 12.2 percent for commercial customers effective October 1, 2022.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the special rate adjustment of 14.3 percent for residential and 12.2 percent for commercial services effective October 1, 2022, for solid waste and recycling services with Republic Services.

[Staff Report - Republic Services Special Rate Adjustment - SB 1383](#)

[1. Resolution - Republic Services Special Rate Adjustment - SB 1383](#)

[2. Letter from Republic Services Requesting Special Rate Adjustment](#)

[3. Final Draft Report Prepared by Crowe, LLP](#)

20.B - PUBLIC REVIEW DRAFT HOUSING ELEMENT (Community Development Director)

The City released the Public Review Draft Housing Element, which provides recommendations based on direction received through public input and Planning Commission and City Council direction, on July 1, 2022. Public comment received during the 30-day comment period, along with direction received

from the Planning Commission and City Council, informed the edits that have been identified as staff prepare the Draft Housing Element for submission to the Department of Housing and Community Development (HCD) for review.

Recommendation:

Receive a presentation regarding the Public Review Draft Housing Element, including recommended edits, then accept public comment and provide feedback and direction to staff on final revisions to the Draft Housing Element.

[Staff Report - Public Review Draft Housing Element.pdf](#)

[1. Public Review Draft 2023-2031 Housing Element - July 2022](#)

[2. Written Public Comment Received on the Draft Housing Element Since July 1 2022](#)

[3. Written Public Comment Received through June 30, 2022](#)

[4. Clean Closure Report for Blake Court Landfill - February 2002](#)

[5. Regional Water Quality Control Board Order No. R2-2002-0087 Rescission of Cleanup and Abatement Order 93-95](#)

[6. Blake Court Open Space Easement – October 2002](#)

[7. Housing Element Public Draft Comments](#)

[8. Proposed Revisions to the Public Draft Housing Element](#)

20.C - APPROVAL OF A RESOLUTION TO ADD NEW POSITIONS, SALARY SCHEDULES, AND NECESSARY BUDGT AMENDMENTS FOR THE PUBLIC WORKS DEPARTMENT AND THE INFORMATION TECHNOLOGY DIVISION (Public Works Director)

Employee retention and attraction are growing challenges for the City, primarily because salaries consistently lag many nearby public agencies. Staff recommends adjustments to salary ranges associated with specific positions. Additionally, due to changing business requirements, lean staffing models, and increased regulations, specific positions within the Public Works Department should be reorganized to meet future operational challenges and reduce impacts to residents and other City departments.

Recommendation:

Move to adopt a resolution (Attachment 1) approving the reorganization of the Public Works Department, new job classifications, increasing the authorized personnel count, and adopting a new salary schedule for certain positions effective August 21, 2022.

[Staff Report - Reorg and Salary Stabilization](#)

[Resolution - New Positions, Salary Schedules, and Necessary Budget Amendments for the Public Works Department and the Information Technology Division](#)

20.D - ACCEPT THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2021 (Finance Director)

The City's auditor, Maze & Associates, has completed the review of the annual financial statements for the fiscal year ended June 30, 2021, and has issued an unmodified audit opinion. The audited financial statements are incorporated into an Annual Comprehensive Financial Report (ACFR). In addition to reviewing the financial statements, the auditors are required to report matters that could adversely affect the City's ability to record, process, summarize and report financial data. The Memorandum of Internal Controls (MOIC) and Required Communications presents this information and includes a schedule of five material weaknesses identified.

Recommendation:

Move to accept the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2021 (Attachment 1).

[Staff Report - FY 2020-21 Annual Finance Statements Internal Controls](#)

[1. Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021](#)

[2. Memorandum on Internal Control and Required Communications for the Fiscal Year Ended June 30, 2021](#)

21. Council Member Committee Reports:

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

21.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#)

22. Adjournment Of Regular Meeting (9:00 P.M.)

Public Participation

The Benicia City Council and its Boards and Commissions welcome public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Kim Imboden, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

Contact Your Council Members

If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

Mayor Young: 707-746-4213

Vice Mayor Campbell: 707-746-4213

Council Member Strawbridge: 707-746-4213

Council Member Largaespada: 707-746-4213

Council Member Macenski: 707-746-4213